

**OFFICIAL****PATENT**  
**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**Docket No. A01169  
CMJ/sd**RECEIVED**  
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AUG 24 2004

In re application of  
Edwin Hugh Nungesser

Group Art Unit: 1714

Serial No.: 09/785,376

Examiner: Edward J. Cain

Confirmation No.: 5022

Filed: 02/16/01

For: STABLE MIXTURES CONTAINING  
OPACIFYING PIGMENTS

X

Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450**TERMINAL DISCLAIMER**  
**TO OBVIATE DOUBLE PATENTING REJECTION**  
**(37 C.F.R. §1.321)**

Sir:

I, Chip M. Jolibois, am authorized to sign on behalf of Rohm and Haas Company, a corporation organized under the laws of the State of Delaware, the assignee of the entire interest in the United States Patent Application of Serial No. 09/785,376, which was filed February 16, 2001. Rohm and Haas Company hereby disclaims all that portion of the term of any patent to be issued on Application No. 09/785,376 subsequent to the expiration of U.S. Patent No. 6,531,537, and hereby agrees that any patent to be issued on Application No. 09/785,376 shall be enforceable only for and during such period that the legal title to said patent shall be the same as the legal title to U.S. Patent No. 6,531,537, this agreement to run

with any patent granted on Application No. 09/785,376, and to be binding upon the grantee of said patent and their successors or assigns.

In making the above disclaimer, Rohm and Haas Company does not disclaim the terminal part of any patent granted on Application No. 09/785,376 prior to the expiration date of the full statutory term of U.S. Patent No. 6,531,537, in the event that it later: expires for failure to pay a maintenance fee, is held unenforceable, is found invalid, is statutorily disclaimed in whole or terminally disclaimed under 37 C.F.R. § 1.321, has all claims cancelled by a reexamination certificate, or is otherwise terminated prior to expiration of its statutory term as presently shortened by any terminal disclaimer, except for the separation of legal title stated above.

Application No. 09/785,376, and U.S. Patent No. 6,531,537 (issued from Application No. 09/785,152) are assigned to a common entity, the Rohm and Haas Company. The assignment of U.S. Patent No. 6,531,537, is found at reel/frame 013896/0984, date of recordation: March 31, 2003. The assignment of the present Application No. 09/785,376 is attached hereto.

As an authorized representative of the assignee empowered to sign on behalf of the assignee, I have reviewed the evidentiary documents referred to above and certify that, to the best of my knowledge and belief, title is Rohm and Haas', as assignee, who seeks to take this action of terminal disclaimer. I hereby declare and say that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of this application or any patent issued thereon.

Please charge the requisite fee of \$110.00 for submission of this Terminal Disclaimer (pursuant to 37 C.F.R. § 1.20(d)) to Deposit Account No. 18-1850. A duplicate of this Terminal Disclaimer is attached for this purpose. Please charge

any additional fees due, or credit any overpayments, to Deposit Account No. 18-1850.

Respectfully submitted,

ROHM AND HAAS COMPANY



Chip M. Jolibois

Registration No. 54,201

Rohm and Haas Company  
100 Independence Mall West  
Philadelphia, PA 19106-2399  
August 24, 2004

DN A01169

ASSIGNMENT

WHEREAS, Edwin Hugh Nungesser of 12 Brownstone Drive,  
Horsham PA 19044; John Michael Friel of 341 Beech Street, Warminster,  
PA 18974; Joseph David Tanzer of 410 Madison Avenue, Fort  
Washington, PA 19034 and Jerry William Washel of 594 Quarry Road,  
Harleysville, PA 19438 (hereafter Assignor(s)), invented certain new and  
useful improvements in **STABLE MIXTURES CONTAINING OPACIFYING**  
**PIGMENTS**, (hereafter "INVENTION") for which on the date below Assignor  
executed an application for Letters Patent of the United States of America;

WHEREAS at the time the INVENTION was made, Assignor was under  
an obligation to assign all right, title and interest in Assignor's INVENTION to  
ROHM AND HAAS COMPANY, a Delaware corporation having its principal  
place of business at 100 Independence Mall West, Philadelphia, Pennsylvania,  
19106-2399, which wants to formalize the assignment and its ownership of the  
entire interest in the INVENTION and in any and all applications for patent  
thereon and in any and all Letters Patent which may be granted thereon;

NOW, THEREFORE, for valuable consideration received by Assignor,  
receipt and sufficiency of which is hereby acknowledged, Assignor has assigned  
and by this Assignment does assign to ROHM AND HAAS COMPANY, for the  
United States of America, its territorial possession, and for all foreign countries,  
the entire right, title, and interest in and to the INVENTION including the right  
to apply for patents, or similar protection, including any continuations,  
divisional, renewal, substitute, reissue or improvement applications, and to  
claim International Convention priority, in all such foreign countries; Assignor  
further agrees without further consideration to testify in any proceedings, to  
execute all papers, execute all divisional, continuing, continuation-in-part,  
reissue and foreign applications, and make all rightful oaths and declaration  
relating to the INVENTION, requested by the ROHM AND HAAS COMPANY;  
and Assignor does hereby authorize and request the Commissioner of Patents  
and Trademarks of the United States of America and the corresponding official  
in any foreign country to issue any Letters Patent which may be granted in the  
United States or foreign country, respectively, to ROHM AND HAAS COMPANY  
for its sole use and benefit and for its successors and assigns, to the full end of  
the term or terms for which said Letters Patent may be granted.

Assignor authorizes and requests insertion herein of the Serial Number  
09/785,376 and filing date February 16, 2001 of said application when  
officially known.

IN TESTIMONY WHEREOF, Assignor intending to be legally bound has  
hereunto affixed its signature(s).

6/26/02  
Date

Edwin Hugh Nungesser  
Edwin Hugh Nungesser

COMMONWEALTH OF PENNSYLVANIA :  
COUNTY OF Montgomery : SS.

Edwin Hugh Nungesser personally appeared before me and acknowledged to me that the  
execution of the foregoing instrument is an act of free will and deed of this 26 day of  
June, 2002.

(SEAL)

Notarial Seal  
Catherine B. Boccuti, Notary Public  
Lower Gwynedd Twp., Montgomery County  
My Commission Expires Nov. 12, 2002  
Member, Pennsylvania Association of Notaries

Catherine B. Boccuti  
Notary Public

\*\*\*\*\*

June 26, 2002  
Date

John Michael Friel  
JOHN MICHAEL FRIEL

COMMONWEALTH OF PENNSYLVANIA :  
COUNTY OF Montgomery : SS.

John Michael Friel personally appeared before me and acknowledged to me that the  
execution of the foregoing instrument is an act of free will and deed of this 26 day of  
June, 2002.

(SEAL)

Notarial Seal  
Catherine B. Boccuti, Notary Public  
Lower Gwynedd Twp., Montgomery County  
My Commission Expires Nov. 12, 2002  
Member, Pennsylvania Association of Notaries

Catherine B. Boccuti  
Notary Public

6/16/02  
Date

JOSEPH DAVID TANZER  
JOSEPH DAVID TANZER

COMMONWEALTH OF PENNSYLVANIA

COUNTY OF

Montgomery

: SS.

Joseph David Tanzer personally appeared before me and acknowledged to me that the execution of the foregoing instrument is an act of free will and deed of this 16 day of June, 2002.

[SEAL]

Notarial Seal  
Catherine B. Boccia, Notary Public  
Lower Gwynedd Twp., Montgomery County  
My Commission Expires Nov. 12, 2002  
Member, Pennsylvania Association of Notaries

Catherine B. Boccia  
Notary Public

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6/25/02  
Date

JERRY WILLIAM WASHEL  
JERRY WILLIAM WASHEL

COMMONWEALTH OF PENNSYLVANIA

COUNTY OF

Montgomery

: SS.

Jerry William Washel personally appeared before me and acknowledged to me that the execution of the foregoing instrument is an act of free will and deed of this 25 day of June, 2002.

[SEAL]

Notarial Seal  
Catherine B. Boccia, Notary Public  
Lower Gwynedd Twp., Montgomery County  
My Commission Expires Nov. 12, 2002  
Member, Pennsylvania Association of Notaries

Catherine B. Boccia  
Notary Public